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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,539	07/06/2001	David S. Ebbo	03797.00127	3399

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EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/899,539	EBBO ET AL.
	Examiner	Art Unit
	Benjamin A Ailes	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *12/1/03*

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-26 have been examined.

Priority

2.   No claim for priority has been made in this application.

3.   The effective filing date for the subject matter defined in the pending claims in

this application is 07/06/2001.

Drawings

4.   The Examiner contends that the drawings submitted on 07/06/2001 are

acceptable for examination proceedings.

Specification

5.   The disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code. Applicant is required to delete the embedded

hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-9, 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Datta (U.S. Patent Number 6,622,168), hereinafter referred to as Datta.

8.   Regarding claims 1 and 14, Datta teaches a method for providing a response to

a request for information from a client computing system to a server computing system,

the method comprising:

- Receiving, at the server computing system, a request for information... (col. 3,

  lines 27-30 and col. 5, lines 58-63);

- Creating a page having portions on the server computing system in response to

  the received request for information (col. 5, line 64 – col. 6, line 14), when the

  output cache contains a portion of the page, the portion of the page contained in

  the output cache is retrieved from the output cache (col. 3, lines 46-54), and

  when the output cache does not contain a portion of the page, the portion of the

  page not contained in the output cache is retrieved from another source (col. 3,

  lines 52-57 and col. 6, lines 5-7); and

- Sending contents of the created page to the client... (col. 6, lines 10-14).

9.   Regarding claims 2 and 15, in accordance with claims 1 and 14, respectively,

Datta teaches a created page including a user control, the user control including

instructions for obtaining data and output caching directive for caching output data for

the created page (col. 5, line 64 – col. 6, line 14 and col. 13, lines 2-12).

10.   Datta teaches the step of creating a page further, comprising:

- Determining whether a previous caching result corresponding to at least a portion

  of the output data of the created page is available from the output cache (col. 13,

  lines 27-29);

- Injecting the previous caching result into the page when a previous caching result corresponding to at least a portion of the output data of the created page is available from the output cache (col. 13, lines 29-32);

- When a previous caching result corresponding to at least a portion of the output data of the created page is unavailable, the step of creating a page (col. 3, lines 27-30 and col. 5, lines 58-63) further comprises steps of:

    o Creating a component corresponding to the page control (col. 14, lines 39-50), and

    o Executing instructions of the component corresponding to the instructions of the user control to obtain the data and the output data (col. 12, line 63 – col. 13, line 12);

    o Rendering the page, the rendering including rendering the component (col. 5, line 67 – col. 6, line 7), and

    o Storing the output data in the output cache (col. 13, lines 32-37).

    Examiner interprets the user control as being an embeddable object.

11.   Regarding claims 3 and 16, in accordance with claims 1 and 14, respectively, Datta teaches the method wherein the contents of the created page comprises an HTML specification for a web page (col. 5, line 64 – col. 6, line 14).

12.   Regarding claims 4 and 17, in accordance with claims 2 and 15, respectively, Datta teaches the method wherein:

- The created page includes at least one control (col. 5, line 64 – col. 6, line 14 and col. 13, lines 2-12),

- The step of creating a component includes creating a component corresponding to each respective one of the at least one control (col. 5, line 64 – col. 6, line 14 and col. 13, lines 2-12), and

- The step of rendering the page comprises rendering each one of the components individually (col. 5, line 67 – col. 6, line 28).

13.   Regarding claims 5 and 18, in accordance with claims 4 and 17, respectively, Datta teaches the method further comprising:

- Creating a data model including each of the components and a hierarchical relationship among the components, the data model being used during the step of rendering the page to render each of the components (col. 11, lines 39-43).

14.   Regarding claims 6 and 19, in accordance with claims 2 and 15, respectively, Datta teaches the method wherein the output-caching directive includes a time duration during which the output data is permitted to reside in the output cache (col. 13, lines 38-50). Examiner cites the use of Least Recently Used (LRU) example.

15.   Regarding claims 7 and 20, in accordance with claims 6 and 19, respectively, Datta teaches the method wherein the output caching directive includes an attribute indicating a condition for varying the output data to be stored in the output cache (col. 12, line 54 – col. 13, line 12).

16.   Regarding claims 8 and 21, in accordance with claims 7 and 20, respectively, Datta teaches the method wherein the attribute indicates that the output data is to be stored in the output cache according to a type of browser used by the client computing system (col. 12, line 54 – col. 13, line 12 and col. 13, lines 32-37).

17.   Regarding claims 9 and 22, in accordance with claims 7 and 20, respectively,

Datta teaches the method wherein the attribute indicates that the output data is to be

stored in the output cache according to values of at least one parameter (col. 12, line 54

– col. 13, line 12).

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

19.   Claims 10, 11, 13, 23, 24, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Datta in view of Mattson (U.S. Patent Number 5,434,992), hereinafter

referred to as Mattson.

20.   Regarding claims 10 and 23, in accordance with claims 1 and 14, respectively,

Datta discloses the need to increase data output performance, but is silent on the use of

performance counters to monitor output-caching performance. However, Mattson

discloses the use of counters to measure the performance of a cache (col. 9, line 56 –

col. 10, line 2).

21.   One of ordinary skill in the art at the time of the applicant's invention would have

recognized the advantage of using performance counters in order to improve the output

of data (Datta, col. 2, lines 4-11). It is for this reason that one of ordinary skill in the art

at the time of the applicant's invention would have been motivated to combine the

performance counters disclosed by Mattson with the data output method using data caching disclosed by Datta.

22.   Regarding claims 11 and 24, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on the use of hit and miss counters to monitor output-caching performance. However, Mattson discloses the uses of hit and miss counters to measure the performance of a cache (col. 9, lines 56-64). The same motivation that was utilized in the combination of claims 10 and 23 applies equally as well to claims 11 and 24.

23.   Regarding claims 13 and 26, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on the use of calculating an output cache hit ratio to monitor output-caching performance. However, Mattson discloses the use of calculating hit ratios in order to measure the performance of a cache (col. 9, lines 56-64). The same motivation that was utilized in the combination of claims 10 and 23 applies equally as well to claims 13 and 26.

24.   Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Datta in view of Smith et al (U.S. Patent Number 5,802,600), hereinafter referred to as Smith et al.

25.   Regarding claims 12 and 25, in accordance with claims 10 and 23, respectively, Datta discloses the need to increase data output performance, but is silent on counting the number of additions and removals to the output cache. However, Smith et al. disclose gathering statistics based on directory entries to measure output-caching performance (col. 5, lines 8-54).

26.   One of ordinary skill in the art at the time of the applicant's invention would have

recognized the advantage of using performance counters in order to improve the output

of data (Datta, col. 2, lines 4-11). It is for this reason that one of ordinary skill in the art

at the time of the applicant's invention would have been motivated to combine the

statistics gathering method disclosed by Smith et al. with the data output method using

data caching disclosed by Datta.

Conclusion

27.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Logue et al. (U.S. 5,935,207) disclose a method and apparatus for providing

remote site administrators with user hits on mirrored web sites.

Nazem et al. (U.S. 5,983,227) disclose a dynamic page generator.

Hon et al. (U.S. 6,185,608) disclose the caching of dynamic web pages.

Batchelder et al. (U.S. 6,351,767) disclose a method and system for

automatically caching dynamic content based on a cacheability determination.

Caccavale (U.S. 5,892,937) discloses a real-time data cache flushing threshold

adjustment in a server computer.

Yates et al. (U.S. 6,167,438) disclose a method and system for distributed

caching, prefetching and replication.

Bittinger et al. (U.S. 5,754,774) disclose a client/server communication system.

Berger et al. (U.S. 5,608,890) disclose data set level cache optimization.

Favor et al. (U.S. 5,093,778) disclose an integrated single structure branch prediction cache.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (703)305-0447 or (571)272-3892 after October 19, 2004. The examiner can normally be reached on Monday-Friday (8:30-6).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (703) 305-9705 or (571)272-3896 after October 26, 2004. The fax phone number for the organization where this application or proceeding is assigned is (703)308-5358.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailes@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703)305-3900.

Benjamin Ailes
Patent Examiner
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